

Week Beginning July 15, 2019

Meeting of July 17, 2019

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 17th day of July 2019, in the office of said Board, with the following members present:

Mauro Cantalamessa, Commissioner
Frank S. Fuda, Commissioner
Daniel E. Polivka, Commissioner

RE: MINUTES

1. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to dispense with reading the minutes of the Regular Meeting dated July 10, 2019.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

RE: LIQUOR PERMIT

2. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to notify the Ohio Department of Liquor Control that a public hearing is not requested on the Liquor Permit Application listed.

CLASSES D1, D2, D3, D6

NEW:	HOUSE OF THE RISING SUN INC. d/b/a TOP HAT BAR & GRILL & PATIO 790 Brookfield Avenue, 1 st Floor Brookfield Township Masury, OH 44438
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Yeas: Polivka, Fuda, Cantalamessa
Nays: None

RE: MODIFICATION NO. 1-ENGINEERING AGREEMENT CT CONSULTANTS, INC. MINERAL RIDGE HYDRAULIC STUDY PROJECT-COUNTY PROJECT NO. 2-W-15

3. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve Modification No. 1 to the Engineering Agreement with CT CONSULTANTS, INC., 20 Federal Plaza West, Suite #303, Youngstown, OH 44503, for the MINERAL RIDGE HYDRAULIC STUDY PROJECT, known as County Project No. 2-W-15. Modification No. 1 is for an additional \$266,600.00—revising the total contract amount to \$295,100.00—to be paid from the Sanitary Engineers Fund No. 496-080-3000-3030-1-505610—*no County General Revenue Funds will be utilized.* Modification is necessary to provide detailed engineering design and bidding phase services; this action per the recommendation of the Trumbull County Sanitary Engineers Department and is subject to review and approval of the Prosecutor’s Office.

NOTE: The Board of Commissioners approved the original contract with CT Consultants, Inc. in the amount of \$28,500.00 on September 23, 2015, duly recorded in Journal Volume 143, Page 19357. This initial contract provided a study for evaluating the water system for the most effective alternative to improve system pressure, fire flows and storage.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Modification recorded on Journal Page(s)_____.)

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RE: EXECUTE PARTIAL SUBSTANTIAL COMPLETION DRS ENTERPRISES, INC. FOR 'CONTRACT D' PORTION OF BLUEPRINT WATERLINE INITIATIVE PROJECT COUNTY PROJECT NO. 5-W-15

4. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to authorize Mauro Cantalamessa, President of the Board of Trumbull County Commissioners, to sign and accept for use (Partial Substantial Completion) a portion of the BLUEPRINT WATERLINE INITIATIVE PROJECT, known as County Project No. 5-W-15, located in Braceville, Southington and Farmington Townships and the Village of West Farmington, Braceville Township Public Water System; this action per the recommendation of the Trumbull County Sanitary Engineers Department and the Consulting Engineer, Burgess & Niple, Inc. and is subject to review and approval of the Prosecutor's Office.

IMPORTANT NOTE: *This certificate does not constitute an acceptance of work not in accordance with the contract documents nor is it a release of the contractor from any liability for defective work in violation of the contract documents.*

NOTE: On March 28, 2018, duly recorded in Journal Volume 148, Page 21521, the Board of Commissioners awarded the contract to DRS Enterprises, Inc. for 'Contract D' in the total amount of \$3,464,987.00.

❖ **The portions to be put in service include:**

- **SR534 from SR305 to the Village of West Farmington PWS**
- **Warren Burton Road from SR305 to Lieby Osborne Road**

➤ **This action accepts, with the following reservations, work associated with the installation of the mainline water infrastructure for this project that is complete and available for connection for public use as performed by DRS Enterprises, Inc., as outlined in the Certificate of Partial Substantial Completion—which will be recorded onto the Journal for record purposes.**

- **Completion of final project restoration and punch list items.**

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Documents recorded on Journal Page(s)_____.)

RE: EXECUTE 'NOTICE OF COMMENCEMENT' AND 'NOTICE TO PROCEED'--A.P. O'HORO COMPANY MOSQUITO CREEK WASTE WATER TREATMENT PLANT CAPITAL IMPROVEMENTS NO. 1-S-13

5. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to authorize Gary E. Newbrough, PE, Deputy Sanitary Engineer, to issue the 'Notice of Commencement' and 'Notice to Proceed' to A.P. O'HORO COMPANY, 3130 Belmont Avenue, Youngstown, OH 44505, for the MOSQUITO CREEK WASTE WATER TREATMENT PLANT (WWTP) CAPITAL IMPROVEMENTS PROJECT, known as County Project No. 1-S-13, in the Mosquito Sanitary Sewer District. *The 'Notice of Commencement' and 'Notice to Proceed' shall be recorded onto the Journal for record purposes;* this action per the recommendation of the Trumbull County Sanitary Engineers Department.

NOTE: The Board of Commissioners awarded the contract to A.P. O'Horo Company in the amount of \$31,782,653.50 on May 8, 2019, duly recorded in Journal Volume 150, Page 22371.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Documents recorded on Journal Page(s)_____.)

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**RE: AMEND JOURNAL ACTION DATED 07/03/19
ADJUST WATER RATE SCHEDULE FOR
BRACEVILLE TOWNSHIP PUBLIC WATER
SYSTEM-AMENDMENT NECESSARY TO ADD
THE RATE FOR CUSTOMERS NOT SUBJECT
TO MONTHLY CAPITAL CHARGE**

6. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to amend the Journal Action taken by the Board of Trumbull County Commissioners on July 3, 2019, duly recorded in Journal Volume 150, Page 22499 to adjust the WATER RATE SCHEDULE for the BRACEVILLE TOWNSHIP PUBLIC WATER SYSTEM to reflect the water supply, operation, maintenance and replacement costs and local capital costs so as to satisfy the Ohio EPA requirements in remaining a self-supporting utility relative to the existing County rate as presently in force. AMENDMENT is necessary to add the rate for those customers who are not subject to the monthly capital charge. These customers currently include the Village of West Farmington, Southington Estates Mobile Home Park, Southington K-12 School and the Ohio State Patrol Barracks. The initial rate for these customers will be \$12.83 per 1,000 gallons of usage as outlined in the Service Area Agreement between Trumbull County and the Village of West Farmington executed on September 19, 2017. Furthermore, all customers of the Braceville Township Public Water System are subject to the County’s Replacement Improvement Fee of \$2.00/month/account as is the case with all other Trumbull County water and sanitary sewer customers; this action per the recommendation of the Trumbull County Sanitary Engineers Department.

NOTE: This is the estimated rate as disclosed to the Village of West Farmington within the above referenced Service Area Agreement. This rate will be reviewed annually and may require additional adjustment after the project cost is finalized and the customer base is established.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Documents recorded on Journal Page(s)_____.)

**RE: MODIFICATION NO. 2 -- ENGINEERING AGREEMENT
LYNN KITTINGER & NOBLE, INC.
BELMONT PARK SANITARY SEWER REPLACEMENT
PROJECT COUNTY PROJECT NO. 13-S-09**

7. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve Modification No. 2 to the Engineering Agreement with LYNN, KITTINGER & NOBLE, INC., 2900 Elm Road, N.E. Warren, OH 44483 for the BELMONT PARK SANITARY SEWER REPLACEMENT PROJECT, known as County Project No. 13-S-09, located in Liberty Township. Modification is for an additional \$55,810.00—revising the total contract amount to \$298,303.00—to be paid for from Fund No. 483-080-3000-3020-1-505610--*no County General Revenue Funds will be utilized.* Modification No. 2 is necessary to include additional work associated with an increase in the number of low-to-moderate income (LMI) household connections from thirteen (13) to thirty-four (34); this action per the recommendation of the Trumbull County Sanitary Engineers Department and is subject to review and approval of the Prosecutor’s Office.

NOTE: The Board of Commissioners awarded the original contract to Lynn, Kittinger & Noble, Inc., in the amount of \$234,993.00 on August 16, 2016, duly recorded in Journal Volume 145, Page 20110. On June 12, 2019, duly recorded in Journal Volume 150, Page 22454, the Commissioners approved Modification No. 1 for an additional \$7,500.00—revising the total contract amount to \$242,493.00.

Commissioner Polivka commended Trustees Steve Gerberry and Marvin McBride of Weathersfield Township on a job well done.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Documents recorded on Journal Page(s)_____.)

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RE: AWARD BID
FOUST CONSTRUCTION, INC.
TRU-GENESEE AVENUE SIDEWALK PROJECT

8. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to award the lowest and best bid as submitted by FOUST CONSTRUCTION, INC., 1700 Wilson Avenue, Girard, OH 44420 for TRU-GENESEE AVENUE SIDEWALK PROJECT, PID 107215 which improvements include installation of new concrete sidewalks on Genesee Avenue, Nocturne Street, and Tiffany Dive near Elm Road in the City of Warren. The project also proposes the installation of two (2) signalized cross walks at the intersection of Genesee Avenue and Elm Road, in the amount of \$169,860.05; AND to enter into a contract with FOUST CONSTRUCTION, INC. for said project. The project is being partially funded by an 80% Transportation Alternatives Program (TAP) Grant received through the Eastgate Regional Council of Governments. The 20% local match will be shared by Howland Township, the City of Warren and the Trumbull County Engineer's Fund No. 002-030-1700-1700-1-505548—no County General Revenue funds will be utilized; this action per the recommendation of the Trumbull County Engineer and is subject to review and approval of the Prosecutor's Office.

NOTE: Engineer's Estimate = \$193,414.00

OTHER BIDS SUBMITTED

Table with 2 columns: COMPANY and AMOUNT. Rows include PARELLA PANNUNZIO, INC. (\$194,955.00) and DANIEL A. TERRERI & SONS, INC. (\$198,800.00).

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

RE: CHANGE ORDER NO. 1 (FINAL)
SHOOK COMPANY, LLC TRU-2019
GUARDRAIL UPGRADE PROJECT

9. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve Change Order No. 1 (Final) as submitted by SHOOK COMPANY, LLC, 6720 Pheasant Run, Canfield, OH 44406, for the TRU-2019 GUARDRAIL UPGRADE PROJECT (PID 104265)—improvements include upgrading guardrail and end terminals and adding new guardrail on various routes throughout Trumbull County. Change Order No. 1 is for an additional \$2,090.00—revising the total contract amount to \$324,312.00--to be partially funded by a 100% Federal Highway Safety Improvement Program (HSIP) Grant in the amount of \$300,000.00 received through the County Engineer's Association of Ohio (CEAO), which will direct pay. The balance of the contract to be paid for by the County Engineer's Fund No. 002-030-1700-1700-1-505547—no General Revenue Funds will be utilized. Change Order No. 1 is necessary to reflect the final quantities of the project; this action per the recommendation of the Trumbull County Engineer and is subject to review and approval of the Prosecutor's Office.

NOTE: The Board of Commissioners awarded the original contract to Shook Company, LLC in the amount of \$322,222.00 on August 15, 2018, duly recorded in Journal Volume 148, Page 21819.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Documents recorded on Journal Page(s)_____.)

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RE: GRANT SPECIAL ANNUAL SUPPLIER
FLEET PERMITS-COUNTY ENGINEER

10. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to concur with the Trumbull County Engineer to grant the Special Annual Supplier Fleet Permits for fleet vehicles to transport aggregate, concrete, construction goods or other like materials (*not to exceed 80,000 lbs. gross vehicle weight*), to sites located upon load posted Trumbull County roadways requested by the companies listed. The necessary permit fee and insurance information have been submitted and approval is subject to the conditions listed on each permit.

- **KMB, INC. (King Brothers)**
P.O. Box 240, Bristolville, OH 44402

Permit No.: AF-019-2019
Permit Effective: July 21, 2019 through July 21, 2020

- **KING'S SANITARY SERVICE, LLC**
P.O. Box 240, Bristolville, OH 44402

Permit No.: AF-020-2019
Permit Effective: July 29, 2019 through July 29, 2020

- **AubMarLog Delivery Services, LLC**
d/b/a AML DELIVERY SERVICES, LLC
4048 Helsey Fusselman Road, Southington, OH 44470

Permit No.: AF-021-2019
Permit Effective: July 12, 2019 through July 12, 2020

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

RE: GRANT QUARTERLY OPERATOR
FLEET PERMIT-COUNTY ENGINEER

11. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to concur with the Trumbull County Engineer to grant the Quarterly Operator Fleet Permit to travel upon load posted Trumbull County roadways (*not to exceed 80,000 lbs. gross vehicle weight*), requested by the company listed. The necessary permit fees and insurance information have been submitted and approval is subject to the conditions listed on the permit.

- **AubMarLog Delivery Services, LLC**
d/b/a AML DELIVERY SERVICES, LLC
4048 Helsey Fusselman Road, Southington, OH 44470

Permit No.: QF-011-2019
Permit Effective: July 12, 2019 through October 10, 2019

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

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**RE: GRANT RIGHT-OF-WAY
PERMIT-COUNTY ENGINEER**

12. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to concur with the Trumbull County Engineer to grant the Right-of-Way Permit requested by the company listed. The necessary permit fee has been submitted and approval is subject to the conditions listed on the permit.

- **DOMINION EAST OHIO**, 320 Springside Drive, Akron, OH 44333, to work in the right-of-way of Holcomb Newton Falls Road (C.H. 102), in order to install a gas service line for address #5538. This will be located approximately 1,900 feet west of West 9th Avenue in Newton Township.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

RE: CLOSE ROAD-COUNTY ENGINEER

13. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to grant permission to the County Engineer to Close the Road listed.

- **HERNER SOUTH ROAD (T.H. 219) located in Southington Township;** closing location between Geauga Portage Easterly Road and County Line Turnpike Road for bridge repairs.
Closing Dates: Monday, July 22, 2019 through Tuesday, July 23, 2019
RECOMMENDED DETOUR: East on County Line Turnpike Road (T.H. 204); North on Phalanx Mills Herner Road (C.H. 127); West on Geauga Portage Easterly Road (T.H. 198)

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

**RE: APPOINT MS. BONNIE WILSON
TO SERVE AS A COUNTY PREVENTION
SPECIALIST-OHIO CHILDREN’S TRUST
FUND REGIONAL PREVENTION COUNCIL**

14. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to appoint BONNIE WILSON, Trumbull County Family and Children First Coordinator, to serve as a “County Prevention Specialist” on the OHIO CHILDREN’S TRUST FUND Regional Prevention Council; pursuant to Ohio Revised Code Section 3109.172. If appointed by the Ohio Children’s Trust Fund, Ms. Wilson will serve a two (2) year term and can be reappointed for two (2) consecutive terms.
SPECIAL NOTE: The Board of County Commissioners will receive written confirmation from the Ohio Children’s Trust Fund of the appointment which will include the start and end dates of each appointee’s term of service on the Regional Prevention Council.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

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**RE: REMOVE MRS. LINDA BAER-BIGLEY-MEMBER
DEPARTMENT OF JOB & FAMILY SERVICES' COUNTY
FAMILY SERVICES PLANNING COMMITTEE**

15. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to remove MRS. LINDA BAER-BIGLEY, Program Manager Legal Advocacy & Visitation Services, with Someplace Safe, as a Member of the Trumbull County Department of Job & Family Services' COUNTY FAMILY SERVICES PLANNING COMMITTEE, effective July 17, 2019. Mrs. Baer-Bigley has submitted a letter of resignation from the Committee citing her upcoming retirement. The Board of Trumbull County Commissioners joins Attorney Gargano in thanking Linda for her faithful dedicated service on the Committee; this action per the recommendation of John Gargano, Esq., Director of the Trumbull County Department of Job and Family Services.

NOTE: The Board of Commissioners appointed Mrs. Baer-Bigley as a member of the Committee on February 26, 2014, duly recorded in Journal Volume 140, Page 18066.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

**RE: APPOINT MS. ALICIA WILLIAMSON-MEMBER
DEPARTMENT OF JOB & FAMILY SERVICES'
COUNTY FAMILY SERVICES PLANNING COMMITTEE**

16. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to appoint MS. ALICIA WILLIAMSON, Director of Domestic Violence and Visitation Services with Someplace Safe, to serve as a Member of the Department of Job & Family Services' COUNTY FAMILY SERVICES PLANNING COMMITTEE, effective July 17, 2019; this action per the recommendation of John Gargano, Esq., Director of the Trumbull County Department of Job and Family Services.

NOTE: Once appointed, the Committee members serve without term expiration.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

**RE: APPROVE EMPLOYEE SUSPENSION
FIFTEEN (15) WORKING DAY WITHOUT PAY
DEPARTMENT OF JOB & FAMILY SERVICES
AND EXECUTE LAST CHANCE ATTENDANCE
DISCIPLINE AGREEMENT**

17. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve the personnel action for a fifteen (15) working day suspension, without pay, of an employee of the DEPARTMENT OF JOB AND FAMILY SERVICES; AND execute the LAST CHANCE ATTENDANCE DISCIPLINE AGREEMENT with said employee. This progressive discipline is for excessive attendance/absence issues; this action per the recommendation of John Gargano, Esq., Director of the Trumbull County Department of Job and Family Services.

NOTE: Last Chance Attendance Discipline Agreement shall be recorded on the Journal for record purposes.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Agreement recorded on Journal Page(s)_____.)

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RE: REMOVE ATTORNEY DAVID ROUZZO-MEMBER LOCAL CORRECTIONS PLANNING BOARD

18. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to remove ATTORNEY DAVID ROUZZO, Director, Ohio Public Defender’s Office, as a member of the LOCAL CORRECTIONS PLANNING BOARD, effective July 17, 2019; action per the recommendation of Keith A. Evans, Chief Probation Officer.

NOTE: The Board of Commissioners appointed Attorney Rouzzo as a Member of the Board on October 31, 2018, duly recorded in Journal Volume 149, Page 21955.

NOTE: Attorney Rouzzo is no longer affiliated with the Ohio Public Defender’s Office.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

RE: APPROVE SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN COMMISSIONERS, SHERIFF AND SOUTHINGTON LOCAL SCHOOL DISTRICT BOARD OF EDUCATION FOR POLICE PROTECTION FOR THE 2019-2020 ACADEMIC FISCAL SCHOOL YEAR

19. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve a School Resource Officer Agreement by and between the TRUMBULL COUNTY COMMISSIONERS, TRUMBULL COUNTY SHERIFF PAUL S. MONROE and SOUTHINGTON LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, 2482 State Route 534, Southington, OH 44470 for police protection and services for the Southington Local School District, its buildings and activities, personnel, students and public on site for the 2019-2020 academic fiscal school year (July 1, 2019 through June 30, 2020). The Southington Local School District agrees to pay the Trumbull County Sheriff's Office \$60,682.98—due and payable at the end of the term of contract which is effective throughout the academic fiscal year; this action per the request of the Trumbull County Sheriff and is subject to review and approval of the Prosecutor’s Office.

SPECIAL NOTE: The Sheriff agrees to furnish one (1) deputy sheriff to the Southington Local School District for the purpose of security with Statutory Power to enforce the law during times school is in session and shall be subject to use by the Sheriff during the period only in times of emergency. The supervision and discipline of said deputy shall be the responsibility of the Sheriff.

NOTE: Agreement is pursuant to the provisions of amended Ohio Revised Code Section 311.29.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Agreement recorded on Journal Page(s)_____.)

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RE: APPROVE SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN COMMISSIONERS, SHERIFF AND TRUMBULL CAREER AND TECHNICAL CENTER (TCTC) FOR POLICE PROTECTION FOR THE 2019-2020 ACADEMIC FISCAL SCHOOL YEAR

20. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve a School Resource Officer Agreement by and between the TRUMBULL COUNTY COMMISSIONERS, TRUMBULL COUNTY SHERIFF PAUL S. MONROE and the TRUMBULL CAREER AND TECHNICAL CENTER (TCTC), 528 Educational Highway, Warren, OH 44483, for police protection and services for the Trumbull Career and Technical Center, its buildings and activity of the school, its personnel and students for the 2019-2020 academic fiscal school year (July 1, 2019 through June 30, 2020). The Trumbull Career and Technical Center agrees to pay the Trumbull County Sheriff's Office \$60,682.98—due and payable at the end of the term of contract which is to be effective throughout the academic fiscal year; this action per the request of the Trumbull County Sheriff and is subject to review and approval of the Prosecutor's Office.

SPECIAL NOTE: The Sheriff agrees to furnish one (1) deputy sheriff to the Trumbull Career and Technical Center for the purpose of security with Statutory Power to enforce the law during times school is in session and shall be subject to use by the Sheriff during the period only in times of emergency. The supervision and discipline of said deputy shall be the responsibility of the Sheriff.

NOTE: Agreement is pursuant to the provisions of amended Ohio Revised Code Section 311.29.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Agreement recorded on Journal Page(s)_____.)

RE: APPROVE SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN COMMISSIONERS, SHERIFF AND CHAMPION LOCAL SCHOOL DISTRICT BOARD OF EDUCATION FOR POLICE PROTECTION FOR THE 2019-2020 ACADEMIC FISCAL SCHOOL YEAR

21. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve a School Resource Officer Agreement by and between the TRUMBULL COUNTY COMMISSIONERS, TRUMBULL COUNTY SHERIFF PAUL S. MONROE and CHAMPION LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, 5976 Mahoning Avenue, NW, Warren, OH 44483 for police protection and services for the Champion Local School District, its buildings and activities, personnel, students and public on site for the 2019-2020 academic fiscal school year (July 1, 2019 through June 30, 2020). The Champion Local School District agrees to pay the Trumbull County Sheriff's Office \$60,682.98—due and payable at the end of the term of contract which is effective throughout the academic fiscal year; this action per the request of the Trumbull County Sheriff and is subject to review and approval of the Prosecutor's Office.

SPECIAL NOTE: The Sheriff agrees to furnish one (1) deputy sheriff to the Champion Local School District for the purpose of security with Statutory Power to enforce the law during times school is in session and shall be subject to use by the Sheriff during the period only in times of emergency. The supervision and discipline of said deputy shall be the responsibility of the Sheriff.

NOTE: Agreement is pursuant to the provisions of amended Ohio Revised Code Section 311.29.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

(Agreement recorded on Journal Page(s)_____.)

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RE: APPROVE SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN COMMISSIONERS, SHERIFF AND MATHEWS LOCAL SCHOOL DISTRICT BOARD OF EDUCATION FOR POLICE PROTECTION FOR A THREE (3) YEAR TERM

22. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve a School Resource Officer Agreement by and between the TRUMBULL COUNTY COMMISSIONERS, TRUMBULL COUNTY SHERIFF PAUL S. MONROE and MATHEWS LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, 4096 Cadwallader-Sonk Road, Cortland, OH 44410 for police protection and services for the Mathews Local School District, its buildings and activities, personnel, students and public on site for a three (3) year term. The Mathews Local School District agrees to pay the Trumbull County Sheriff's Office the value of the protection services rendered at the end of each of the three (3) academic fiscal years. For the 2019-2020 academic fiscal school year (July 1, 2019 through June 30, 2020), the Mathews Local School District agrees to pay the Trumbull County Sheriff's Office \$60,682.98; this action per the request of the Trumbull County Sheriff and is subject to review and approval of the Prosecutor's Office.

SPECIAL NOTE: The Sheriff agrees to furnish one (1) deputy sheriff to the Mathews Local School District for the purpose of security with Statutory Power to enforce the law during times school is in session and shall be subject to use by the Sheriff during the period only in times of emergency. The supervision and discipline of said deputy shall be the responsibility of the Sheriff.

NOTE: Agreement is pursuant to the provisions of amended Ohio Revised Code Section 311.29.

- Year 1: July 1, 2019 through June 30, 2020 \$60,682.98**
- Year 2: July 1, 2020 through June 30, 2021**
- Year 3: July 1, 2021 through June 30, 2022**

IMPORTANT NOTE: The amounts to be paid for year two (2) and year three (3) will be based on the amount earned by the Sheriff's most senior deputy at the beginning of the respective academic fiscal year which will be determined by upcoming union contract

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Agreement recorded on Journal Page(s)_____.)

RE: APPROVE BILLS

23. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve the bills, as per the individual departmental purchase orders/invoices forwarded to the Trumbull County Auditor for payment, providing all procedures of State law have been followed.

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

RE: ADDITIONAL APPROPRIATIONS

24. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to approve additional appropriations, as submitted to the Trumbull County Auditor's Office between the dates of July 8, 2019 through July 12, 2019. *Complete list of additional appropriations shall be recorded onto the Journal for record purposes.*

**❖ Departments/Offices requesting additional appropriations:
Sanitary Engineers**

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Documents recorded on Journal Page(s)_____.)

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RE: TRANSFER APPROPRIATIONS

25. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to transfer appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of July 8, 2019 through July 12, 2019. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

- ❖ Departments/Offices requesting to transfer appropriations:
 - Sanitary Engineers
 - Child Support Enforcement Agency
 - Department of Job & Family Services
 - Court of Appeals
 - Common Pleas Court
 - Domestic Relations/Juvenile Court
 - NEOCAP

Yeas: Polivka, Fuda, Cantalamessa
Nays: None

(Documents recorded on Journal Page(s)_____.)

RE: ADOPT SCHEDULE OF HOURLY RATES AND MAXIMUM FEE SCHEDULE PAYMENT OF APPOINTED COUNSEL- REPRESENTATION OF INDIGENT PERSONS IN CRIMINAL CASES

26. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to adopt a Schedule of Hourly Rates and Maximum Fee Schedule for the Payment of Appointed Counsel for Representation of Indigent Persons in Criminal Cases.

RESOLUTION

WHEREAS, the office of the Ohio Public Defender has revised their State Maximum Fee Schedule for Appointed Counsel Reimbursement as of January, 2019; and

WHEREAS, the Trumbull County Bar Association recommended that the rates and schedules established by the Ohio Public Defender be adopted by the Trumbull County Commissioners; and

WHEREAS, the Trumbull County Court of Common Pleas has recommended that the rates and schedules established by the Ohio Public Defender for proceedings in their courts be adopted by the Trumbull County Commissioners; and

WHEREAS, pursuant to Section 120.33 (A)(3) of the Ohio Revised Code, the Board of County Commissioners is required to adopt by resolution a schedule of fees for payment of legal counsel appointed by a court of competent jurisdiction and to have the schedule on file with the office of the Public Defender

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF TRUMBULL COUNTY, OHIO: The following plan is adopted for use by the Courts of Trumbull County’s jurisdiction; pursuant to section 120.33(A)(3) of the Ohio Revised Code

(Continued)

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RE: STATE MAXIMUM FEE SCHEDULE (Continued)

SECTION I

That upon review and consideration of the recommendation of the Trumbull County Court of Common Pleas and Trumbull County Bar Association, the Board of County Commissioners hereby adopts the State Maximum Fee Schedule for Appointed Counsel Reimbursement as established by the Ohio Public Defender Commission, revised January, 2019.

These rates shall be effective July 1, 2019 and thereafter.

Trial Level Proceedings

1. Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in trial level proceedings are:

Offense/Proceedings	Fee Maximum
Aggravated murder (w/specs) Per R.C. 2929.04(A) And R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33 (D). The Council has currently set a rate of \$125 with no fee maximum.
Aggravated murder (w/o specs)	\$15,000/1 attorney \$25,000/2 attorneys
Murder	\$10,000
Felony with possible life sentence/ Repeat violent offender/ Major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings	\$300
Sex Offender Classification	\$750
Other	\$750

(Continued)

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: STATE MAXIMUM FEE SCHEDULE (Continued)

4. Reimbursement for guilty or no contest pleas will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services, up to the prescribed maximums for each classification.

State Maximum Fee Schedule continued on next page.

Juvenile Proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement will not be made for non-attorneys as appointed as a guardian ad litem.
3. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court.
4. The prescribed maximum fees permitted in juvenile level proceedings are:

Offense/Proceedings	Fee Maximum
Aggravated murder (w/specs) Per R.C. 2929.04(A) And R.C. 2941.14(B)	As set by Capital Fee Council – see R.C. 120.33 (D). The Council has currently set a rate of \$125 with no fee maximum.
Aggravated murder (w/o specs)	\$7,500/1 attorney \$12,500/2 attorneys
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover – Mandatory	\$750/1 attorney \$1,200/2 attorneys
Bindover – Discretionary	\$2,000/1 attorney \$3,000/2 attorneys
Reverse Bindover Amenability	\$1,500

(Continued)

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: STATE MAXIMUM FEE SCHEDULE (Continued)

The prescribed maximum fees permitted in juvenile level proceedings are:

Offense/Proceedings	Fee Maximum
SYO	Adult degree + 50%/2 attorneys
SYO Invocation	\$2,000/1 attorney \$3,000/2 attorneys
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
VCO	\$750
ADN Initial Custody	\$1,500
ADN Annual After Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150
Sex Offender Classification/ Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

Appellate level proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

(Continued)

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: STATE MAXIMUM FEE SCHEDULE (Continued)

3. The prescribed maximum fees permitted in appellate level proceedings are:

Offense/Proceedings	Fee Maximum
Death Sentence	As set by Capital Fee Council – see R.C. 120.33 (D). The Council has currently set a rate of \$125 with no fee maximum.
Cumulative Minimum Sentence Exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
ADN Permanent Custody	\$3,500
Unruly	\$1,000
Other	\$1,000
26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

Postconviction and habeas corpus proceedings

1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Reimbursement for representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$125.00 per hour for both in-court and out-of-court services.

(Continued)

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: STATE MAXIMUM FEE SCHEDULE (Continued)

3. The prescribed maximum fees permitted in postconviction and habeas corpus proceedings are:

Offense/Proceedings	Fee Maximum
Death Sentence	As set by Capital Fee Council – see R.C. 120.33 (D). The Council has currently set a rate of \$125 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

SECTION II

Extraordinary Fees

This Board of Commissioners hereby determines that the maximums set out above may be exceeded on a case-by-case basis, when the judge or panel of judges, responsible for hearing the case, determines extraordinary fees are proper. Extraordinary fees may be awarded when the Court finds that there are extraordinary complex issues, multiple offenses, lengthy trials, or other reasons that warrant compensation at a level that exceeds the maximums established above. Extraordinary fees must, however, be clearly documented in the appropriate sections on the Motion, Entry, and Certification Form. The Judge who heard the case must indicate approval of the extraordinary fees by checking the “Extraordinary Fees Granted” box in the Judgment Entry section on the front of the form, and a copy of the journal entry must be attached.

SECTION III

A copy of this Resolution shall be delivered to the Ohio Public Defender, Trumbull County Court of Common Pleas, Trumbull County Clerk of Courts, Eleventh District Court of Appeals, Trumbull County Auditor and all municipal and county courts in Trumbull County.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: AMEND JOURNAL ACTION DATED 06/05/19
DISTRIBUTION OF SENIOR SERVICES LEVY
DOLLARS-PROTECTIVE SERVICES

27. MOTION: Made by Mr. Polivka, seconded by Mr. Fuda, to amend the Journal Action taken by the Board of Trumbull County Commissioners on June 5, 2019, duly recorded in Journal Volume 150, Page(s) 22427-22429 for distribution of SENIOR SERVICES LEVY DOLLARS relative to PROTECTIVE SERVICES. AMENDMENT is necessary to reduce the amounts awarded to Direction Home of Eastern Ohio, Inc., f/k/a Area Agency on Aging 11, Inc. from \$70,000.00 to \$40,000.00 and the amount awarded to Guardianship and Protective Services, Inc. from \$200,000.00 to 160,000.00; AND to authorize distribution to include the two (2) agencies listed, for the term effective July 1, 2019 through June 30, 2020.

❖ Distribution of Senior Services Levy Dollars (\$270,000.00) is as follows:

PROTECTIVE SERVICES: \$270,000.00
(Amounts to these agencies will be reduced.)

AGENCY	AWARD AMOUNT
Direction Home of Eastern Ohio, Inc. f/k/a Area Agency on Aging 11, Inc. 1030 N. Meridian Road Youngstown, OH 44509	\$40,000.00 @ \$57.30/hour for Protective Services/Ombudsman Program
Guardian and Protective Services, Inc. 1371 Church Street Mineral Ridge, OH 44440	\$160,000.00 @ \$45.00/hour for Guardianship Services

(These agencies will be awarded the amounts listed.)

AGENCY	AWARD AMOUNT
Trumbull County Dept. of Job & Family Services 280 North Park Avenue, Suite #1 Warren, OH 44481	\$60,000.00 @ \$19.66/hour for Protective Services
Trumbull Advocacy & Protective Network, Inc. P.O. Box 256 Brookfield, OH 44403	\$10,000.00 @ \$30.00/hour for Coordination Services

Commissioner Polivka thanked Diane Siskowic-Jurkovic on working with the Commissioners on this issue.

Yeas: Polivka, Fuda, Cantalamessa

Nays: None

Week Beginning July 15, 2019

Meeting of July 17, 2019

RE: ADJOURN

MOTION: Made by, Mr. Fuda, seconded by Mr. Cantalamessa, to adjourn the Regular Meeting of July 17, 2019, and to meet again in Regular Session on July 24, 2019.

Yeas: Fuda, Cantalamessa, Polivka

Nays: None

WE CERTIFY THAT EACH AND ALL OF THE FOREGOING TO BE CORRECT.

MAURO CANTALAMESSA, PRESIDENT

FRANK S. FUDA, COMMISSIONER

DANIEL E. POLIVKA, COMMISSIONER

ATTEST:

PAULETTE A. GODFREY, CLERK